

**REMARKS**

Claims 1-18 are pending in this application and stand rejected. Claims 1-3, 7, 8, 11, 14, 15, 17, and 18 have been amended. Claims 1, 8, 14, 15, 17 and 18 are independent.

**The Rejections Under  
35 U.S.C. § 112, ¶ 1**

Claims 1-18 have been rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Office Action directed attention to the term "unique" used in various claims, and noted support for the term cannot be found.

In the interests of expediting prosecution, the term "unique" has been eliminated, and alternative language clearly supported by the disclosure has been added. By way of non-limiting example, such support can be found in the disclosure at paragraphs [0014], [00173], [00202], [00289], Fig. 7, steps S103 and S109, and Fig. 11 (all references are to the disclosure as filed). The Office Action, it is noted, acknowledges the disclosure supports "proper" or "appropriate" timing.

Accordingly, favorable reconsideration and withdrawal of this rejection are respectfully requested.

Claims 1-18 have been rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. The Office Action referred to the preceding written description rejection, which involved the use of the term "unique", and said those of ordinary skill in the art would not know how to make and/or use the invention. The Office Action also said it was not clear what Applicant intended "unique" to encompass, or how Applicant intends "unique" to be implemented.

As noted above, the term "unique" has been eliminated, and alternative language clearly supported by the disclosure has been added.

Accordingly, favorable reconsideration and withdrawal of this rejection are respectfully requested.

**The Rejection Under  
35 U.S.C. § 112, ¶ 2**

Claims 1-18 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of Applicant's invention. The Office Action identified various features of claims 1, 2, 8, 14, 15, 17 and 18 that were said to be unclear.

Claims 1-18 have been carefully reviewed and, where appropriate, have been revised to attend to the points noted by the Examiner. It is believed the claims are now all sufficiently clear and definite. In this regard, it may be helpful to keep in mind the teachings of the disclosure in Figs. 1, 24 and 25, by way of example only, and not limitation.

Favorable reconsideration and withdrawal of this rejection are respectfully requested.

**The Objection  
to the Claims**

Claim 3, 7, 8, 14, 15 and 17 have been objected to on grounds certain claims improperly contained periods or used features that were somewhat unclear. The Examiner is thanked for calling attention to these points.

Claims 3, 7, 8, 14, 15 and 17 have been carefully reviewed and revised to attend to the points noted by the Examiner.

Accordingly, favorable reconsideration and withdrawal of this objection are respectfully requested.

**The Double-Patenting Rejections**

Claims 1-18 have been rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 2-4 of U.S. patent no. 6,681,349.

Claims 1-18 have been rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 3-6, 8, 12 and 13 of U.S. patent no. 6,604,212.

Claims 1-18 have been rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 14-60 and 65-69 of U.S. patent no. 6,430,711.

Solely in the interests of expediting prosecution, and without conceding the propriety of any of these double patenting rejections, Applicant submits herewith Terminal Disclaimers to patent nos. 6,681,349, 6,604,212 and 6,430,711.

In view of the submission of these Terminal Disclaimers, the double patenting rejections have been overcome. Favorable reconsideration and withdrawal of those rejections is respectfully requested.

**Request for Confirmation of Consideration of References**

Among the papers included with the Office Action were initialed copies of the List of References Cited by Applicant(s) form included with the Information Disclosure Statement filed with this application on November 13, 2003.

On the returned form the entries for references JP 5-191405, JP 6-284150 and JP 7-44630 were crossed out on grounds copies of the references were not provided. That, however, is not correct.

The refusal to consider these references is not understood - the November 13, 2003 Information Disclosure Statement pointed out that copies of the cited references were not provided because they are of-record in the parent case.

The Image File Wrapper for parent application no. 10/460,802 (now U.S. patent no. 6,681,349) contains the three references in question. Thus, the Examiner's grounds for refusing to consider the references is not well-taken.

Pursuant to M.P.E.P. § 609.02(A)(2) and 37 C.F.R. 1.97(c), these references must be considered:

**The examiner will consider information which has been considered by the Office in a parent application when examining: (A) a continuation application filed under 37 CFR 1.53(b), (B) a divisional application filed under 37 CFR 1.53(b), or (C) a continuation-in-part application filed under 37 CFR 1.53(b). A listing of the information need not be resubmitted in the continuing application unless the applicant desires the information to be printed on the patent.**

(emphasis added).

The Examiner is requested to confirm references JP 5-191405, JP 6-284150 and JP 7-44630 have been considered. As a convenience to the Examiner, Applicant provides herewith a fresh List of References Cited by Applicant(s) form for the Examiner to initial as such confirmation.

## **CONCLUSION**

Applicant respectfully submits that all outstanding objections and rejections have been addressed and are now overcome or moot. Applicant further submits that all claims

pending in this application are patentable over the prior art. Favorable reconsideration and prompt allowance of this application is therefore respectfully requested.

Other than the Terminal Disclaimer fees authorized in the accompanying Terminal Disclaimers, no fees are believed to be due in connection with the filing of this paper. Nevertheless, the Commissioner is authorized to charge any fees which may now or hereafter be due in this application to Deposit Account No. 19-4709.

In the event that there are any questions, or should additional information be required, please contact Applicant's attorney at the number listed below.

Respectfully submitted,

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